

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number: 13-20601
Honorable Thomas L. Ludington

FERNANDO CASTILLO,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING
DEFENDANT'S PLEA OF GUILTY AS TO COUNT SIX OF THE INDICTMENT, AND
TAKING THE RULE 11 PLEA AGREEMENT UNDER ADVISEMENT**

A plea hearing was conducted on January 14, 2014, by United States Magistrate Judge Charles E. Binder pursuant to Defendant's consent. Judge Binder issued his report the next day, recommending that this Court accept Defendant's plea of guilty as to Count 6 of the indictment. Although Judge Binder's report explicitly stated that the parties to this action may object to and seek review of the recommendation within 14 days of service of the report, as of today's date, neither party has filed objections. The failure to object to Judge Binder's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Moreover, the failure to file objections to the report waives any further right to appeal.

See Smith v. Detroit Fed'n of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation, ECF No. 27, is **ADOPTED**.

It is further **ORDERED** that Defendant's plea of guilty as to Count 6 of the indictment is **ACCEPTED**, and the Rule 11 Plea Agreement, ECF No. 26, is taken **UNDER ADVISEMENT**.

Dated: February 7, 2014

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 7, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS